

STATE OF WASHINGTON

Phone: (360) 725-7000

MIKE KREIDLER
STATE INSURANCE COMMISSIONER



FILED

I declare under penalty of perjury
under the laws of the State of
Washington that on the date listed
below, I mailed or caused delivery
of a true copy of this document to
all parties below

DATED this 26th day of Aug. 2005
at Tumwater, Washington.

Signed: W. Galloway

OFFICE OF
INSURANCE COMMISSIONER
HEARINGS UNIT

Fax: (360) 664-2782

2005 AUG 26 P 12:17

Patricia D. Petersen
Chief Hearing Officer
(360) 725-7105

Wendy Galloway
Hearings Unit, DIC
Administrative Assistant
(360) 725-7002
wendyg@oic.wa.gov

In the Matter of:)
) NO. G05-08
INSURANCE CORPORATION OF)
NEW YORK,) NOTICE OF HEARING
)
An Authorized Insurer.)

TO: Alan Hunte, President
The Insurance Corporation of New York
1 Canterbury Green
Stamford, Connecticut 06901-2032

AND TO: James Veach, Partner
Mound Cotton Wollan & Greengrass
One Battery Park Plaza
New York, New York 10004-1486

Leonard Dome, Partner
Mound Cotton Wollan & Greengrass
One Battery Park Plaza
New York, New York 10004-1486

Saya Teraoka, Associate
Mound Cotton Wollan & Greengrass
One Battery Park Plaza
New York, New York 10004-1486

Derek Wooley, Regulatory Consultant
Taplin & Associates
1555 Palm Beach Lakes Blvd., Suite 1510
W. Palm Beach Florida 33401-2329

COPY TO: Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Insurance Commissioner
James T. Odiorne, Deputy Commissioner, Company Supervision
Carol Sureau, Deputy Commissioner, Legal Affairs
P.O. Box 40255
Olympia, Washington 98504-0255

Mailing Address: P.O. Box 40255 • Olympia, WA 98504-0255
Street Address: 5000 Capitol Blvd. • Tumwater, WA 98501

OFFICE OF INSURANCE COMMISSIONER

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On June 24, 2005, the Insurance Commissioner (Commissioner) received a request for hearing from The Insurance Corporation of New York (ICNY). This request for hearing, which shall be considered a request for an adjudicative proceeding, is included in the hearing file and is by this reference incorporated herein. In the subject request for hearing, filed pursuant to RCW 48.04 and 34.05 RCW, ICNY appeals the revocation of its Certificate of Authority No.860 and requests that the Commissioner change the revocation of its certificate of authority to a suspension.

Accordingly a prehearing conference was held by telephone on Wednesday, July 13, 2005 at 10 a.m. James Veach, Partner, Leonard Dome, Partner and Saya Teraoka, Associate, all of Mound Cotton Wollan and Greengrass, New York, New York, represented ICNY. The Commissioner was represented by Staff Attorney Mary Cotter, appearing on behalf of Carol Sureau, Esq., Deputy Commissioner for Legal Affairs. Derek Wooley, Regulatory Associate of Taplin and Associates of W. Palm Beach Florida was also present at the hearing. During said prehearing conference, the undersigned reviewed administrative procedure and addressed all questions and concerns of the parties. Of significance, the parties agreed that a second prehearing conference would be scheduled in August specifically to schedule a hearing date in this matter.

Subsequently, on August 10, 2005, a second prehearing conference was held by telephone, which included all parties. At that time, a **hearing date was scheduled to commence on Monday, October 10, 2005, at 1:00 p.m., Pacific Standard Time.**

The Commissioner will be represented by Carol Sureau, Esq., Deputy Commissioner for Legal Affairs. Ms. Sureau's mailing address is P.O. Box 40255, Olympia, Washington 98504-0255 and her telephone number is (360) 725-7050.

ICNY will be represented either 1) by an officer, director or other authorized employee of ICNY with full participation of James Veach, Partner, Leonard Dome, Partner and Saya Teraoka, Associate, all of Mound Cotton Wollan and Greengrass; or 2) by local Washington counsel with full participation of James Veach, Partner, Leonard Dome, Partner and Saya Teraoka, Associate, all of Mound Cotton Wollan and Greengrass. The address of Mound Cotton Wollan and Greengrass is 1 Battery Park Plaza, New York, New York 10004-1486. Mr. Veach can be reached by telephone at (212) 804-4233. Mr. Dome can be reached by telephone at (212) 804-4201 and Ms. Teraoka can be reached by telephone at (212) 804-4579.

The hearing will be held under the legal authority and jurisdiction granted the Commissioner by the Insurance Code, Title 48 RCW, and specifically RCW 48.04.010, and will be conducted pursuant to the requirements of ch. 34.05 RCW, the Administrative Procedure Act, and will be governed by the model rules of procedure, ch. 10-08 WAC. ICNY may be represented by counsel, and may examine witnesses and fully respond and present evidence and argument on all relevant issues involved.

Based upon a delegation of authority from the Commissioner, the undersigned will conduct the hearing and will make the final decision and enter the final order relative to this matter. Her

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address is P.O. Box 40255, Olympia, WA 98504-0255 and her telephone number is (360) 725-7105.

Any future questions or concerns, or requests for additional prehearing conferences, which may arise, may be directed by any party to Wendy Galloway, administrative assistant to the undersigned, who can be reached by telephone at (360) 725-7002, or at the above address.

As required by RCW 34.05.434(2)(I), you are advised that a party who fails to attend or participate in the hearing or other stage of the adjudicative proceeding may be held in default in accordance with ch. 34.05 RCW.

Pursuant to WAC 10-08-040(2) and in accordance with ch. 2.42 RCW, if a limited English-speaking or hearing impaired or speech impaired party or witness needs an interpreter, a qualified interpreter will be appointed. There will be no cost to the party or witness therefore, except as may be provided by ch. 2.42 RCW. A Request for Interpreter form is attached to the original of this Notice, with instructions thereon.

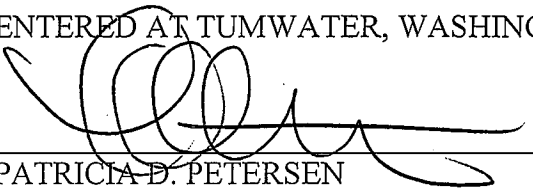
This Notice is provided pursuant to RCW 48.04.010 and RCW 34.05.434.

ORDER

Based upon the above activity,

IT IS HEREBY ORDERED that the hearing in this matter shall commence on Monday, October 10, 2005, at 1:00 p.m., Pacific Standard Time at the office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington, in room 120.

ENTERED AT TUMWATER, WASHINGTON, this 26th day of August, 2005.



PATRICIA D. PETERSEN
Presiding Officer